



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Probate Status Hearing Re: First Accounting or Petition for Final Distribution

DOD: 10/3/1994	ROBERT L. JOHNSON was appointed Administrator without bond and with Limited IAEA authority on 7/31/12.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued 7/31/12.	Continued from 2/10/16. Minute order states continued in order to allow time for the Administrator to provide bank statements and review the petition.
	I & A filed on 9/11/12 shows an estate valued at \$40,000.00	
Cont. from 100413, 121313, 032814, 072514, 111214, 042215, 060315, 080515, 101415, 120915, 021016	Minute order dated 7/31/12 set status hearing on 10/4/13 for the filing of the First Account or Petition for Final Distribution. Minute order indicates Mr. Rindlisbacher was present.	1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Sub.Wit.		
Verified		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Inventory		
PTC		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Not.Cred.		
Notice of Hrg	Former Status Report filed on 2/9/16 states Robert Johnson's wife has suffered a stroke and he is the primary caretaker for her. He has not been able to deliver to the attorney's office the final bank account statements for the attorney to finalize the account but advised that he would do his best to get them to the attorney this week.	1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Mail		
Aff.Pub.		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Sp.Ntc.		
Pers.Serv.		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Conf. Screen		
Letters	Attorney Rindlisbacher requests a continued status hearing be set for thirty days from now.	1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Duties/Supp		
Objections		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Video Receipt		
CI Report		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
9202		
Order		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff. Posting		
Status Rpt		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
UCCJEA		
Citation		1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
FTB Notice		
		Examiner notes Sam Johnson Jr. survived the decedent (petition for probate indicates he died in 2004 or 2005) and declaration filed on 7/23/14 states Sam passed away after the decedent. Therefore, the estate of Sam Johnson Jr. is the other beneficiary of this estate and not his two children.
		Reviewed by: KT
		Reviewed on: 3/10/16
		Updates:
		Recommendation:
		File 5 - Johnson

Amended First and Final Account Report of Administrators Regarding Estate and Petition for Settlement, Distribution, and Approval

DOD: 9/28/11		<p>ESTELLA GARZA, RAQUEL NANEZ, and ROJELIA GONZALEZ, Co-Executors with Limited IAEA with funds held in blocked account, are Petitioners.</p> <p>Account period: DOD to Present Accounting: \$310,000.00 Beginning POH: \$310,000.00 Ending POH: \$95,029.13 cash plus real property valued at \$210,000.00</p> <p>Co-Executors waive statutory compensation.</p> <p>Attorney waives statutory compensation.</p> <p>Distribution pursuant to Decedent's will:</p> <ul style="list-style-type: none"> Nicholas Garza Garza: \$9,502.91 plus a 1/10 interest in the real property Rojelia Garza Gonzales: \$9,502.91 plus a 1/10 interest in the real property Estella Garza Garza: \$9,502.91 plus a 1/10 interest in the real property Anna Garza Lopez: \$9,502.91 plus a 1/10 interest in the real property Rachel Garza Nanez: \$9,502.91 plus a 1/10 interest in the real property Alicia Garza Azua: \$9,502.91 plus a 1/10 interest in the real property Delia Garza Gonzalez: \$9,502.91 plus a 1/10 interest in the real property Irasema Garza Gonzalez: \$9,502.91 plus a 1/10 interest in the real property David Garza Garza: \$9,502.91 plus a 1/10 interest in the real property Teodoro Garza Garza: \$9,502.91 plus a 1/10 interest in the real property 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need written consent from all heirs to distribution of the real property in undivided interests pursuant to Local Rule 7.12.4.</p> <p>2. Need order. See Local Rules 7.1.1.F., 7.6.1.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			

Reviewed by: skc
Reviewed on: 3/10/16
Updates:
Recommendation:
File 8- Garza

DOD: 9/26/13	LIANA M. WAITE , Daughter, was appointed Administrator with Will Annexed with Full IAEA without bond on 7/15/14. Letters issued 7/17/14.	NEEDS/PROBLEMS/COMMENTS: <u>SEE ADDITIONAL PAGES</u>
Cont. from 091615	At the hearing on 7/15/14, the Court set this status hearing re filing the first account or petition for final distribution.	
Aff.Sub.Wit.	Status Report filed 9/4/15 states creditor's claims and notices of tax liens have been filed by the California Franchise Tax Board in connection unfiled personal and business tax returns of the decedent from 2010-2012. Administrator believes the tax liabilities will be substantially less than the claimed amounts once returns have been processed. Additional claims have also been filed, secured and unsecured.	Reviewed by: skc Reviewed on: 3/10/16 Updates: Recommendation: File 11 - Sena
Verified	Administrator describes the assets and states disclaimers have been filed by the various heirs with respect to certain assets. Administrator intends to file a request with the Court for permission to purchase the residential real property of the estate in joint tenancy with her sister. However, the estate is of insufficient value to satisfy all filed creditor's claims and tax liabilities.	
Inventory	Administrator has determined that the tax liens/liabilities must be resolved prior to preparation of a final petition, and requests that this matter be continued until late March 2016 for resolution of those tax liabilities.	
PTC	Status Report filed 3/8/16 provides estate history and states the residence continues to be occupied by the decedent's daughters Liana M. Waite, Dawn M. Waite, and Loriane M. Sena Waite, who have jointly paid all mortgage payments along with all HELOC payments until the loan matured in August 2014. As previously noted, Wells Fargo Bank, NA, a secured creditor, filed a claim for \$49,912.36.	
Not.Cred.	Based on the appraised value and the current mortgage of \$98,000 plus the Wells Fargo HELOC creditor's claim for \$49,912.36, the negative equity is approx. \$13,000.	
Notice of Hrg	The children of the decedent Shaun P. Waite, Shayla J. Waite, Charles D. Waite, and Christian J. Waite, individually signed disclaimers concerning personal property, residential property, and vehicle. Dawn M. Waite signed a disclaimer regarding the residence and vehicle only. Liana M. Waite signed a disclaimer re the vehicle only.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

SEE ADDITIONAL PAGES

Page 2

Status Report filed 3/8/16 (Cont'd): Probate Code §282(a) arguably contradicts the language of §281. The furniture, furnishings, and effects appraised for \$2,000 mostly concern items over 30 years old in fair condition. Newer appliances have been purchased by the daughters, who have also personally and financially contributed to the care and maintenance of the residence, which has been their family home for over 25 years.

Administrator intends to file a request with the court for permission to purchase the residence with her sister Loriane M. Sena Waite.

The vehicle loan was paid off by Loriane M. Sena Waite and the vehicle was transferred to her under the Family Transfer Guidelines of the Dept. of Motor Vehicles.

The remaining assets appraised for \$357.35 concern the Wells Fargo personal and business checking accounts of the decedent. The estate has insufficient assets to satisfy the creditor claims and the personal and professional corporation tax liabilities.

Attorney Barbara A. Sena had several client cases from her law practice which were pending at her time of death. The Administrator was recently advised that some are nearing settlement and liens will be submitted on behalf of the estate with the Fresno County Workers' Compensation Appeals Board. Based on the foregoing, Administrator has determined that these client cases, along with the federal and state tax liens and/or liabilities, must be resolved prior to preparation of the petition for final distribution.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS: The following issues remain noted. Note: #3 is new:

1. Need first account or petition for final distribution.
2. Examiner notes the following additional details with regard to the status report filed 9/4/15:

The intestate heirs to this estate *would have been* the decedent's seven children. However, the status report describes that various heirs have disclaimed their interest in certain assets of the estate, some disclaiming their interest in all assets.

First, Examiner is unaware of authority for disclaiming interest in only certain assets.

Second, pursuant to Probate Code §282, the issue of the various disclaimants are now heirs to the estate in their place.

Also, Administrator also describes that the estate consists of a residence valued at \$135,000 (encumbered for \$100,000) a vehicle valued at \$3,000 (subject to a secured loan for \$4,700), and misc. personal property, and states that the estate is insufficient to satisfy the various claims.

Three of the decedent's daughters reside in the home and intend to purchase it upon court authorization. Administrator does not indicate if they are paying rent to the estate.

Administrator states the vehicle loan was paid off by one of the daughters, and she is in the process of transferring the vehicle to that daughter under DMV guidelines. The Court may require clarification or authority for this proposed action, given the numerous claims against the estate.

Further, it appears that some of the creditor's claims may have been paid in full, while others remain unpaid. First, Administrator is referred to Probate Code §9000 et seq., with regard to the process for approving or denying claims. The Court may require clarification with reference to Probate Code §11420(b) with regard to debt priority classes.

In light of the above, Administrator may wish to review proposed actions with applicable Probate Code and duties.

3. New: Administrator's status report of 3/8/16 indicates client cases pending in connection with the decedent's law practice. The Court may require clarification as to whether practice administration under Probate Code §9764 was considered or may be appropriate.

Report of Sale and Petition for Order Confirming Sale of Real Property

			KENNETH KEARNS , Conservator with bond of \$95,416.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: The Court will set a status hearing for the filing of the additional bond in the amount of \$165,000.00 as follows: <ul style="list-style-type: none"> Monday, April 18, 2016 Note: An additional Report of Sale and Petition for Order Confirming Sale of Real Property re 4551 N. Fruit in Fresno is also set for Monday April 18, 2016. Note: The hearing on the Public Guardian's First and Final Account as Temporary Conservator was continued to Monday May 2, 2016.
			Sale price: \$175,000.00 Overbid: \$184,250.00	
			Appraisal: \$190,000.00	
	Aff.Sub.Wit.		Property: 4552 N. Delno, Fresno, 93705	
✓	Verified		Buyer: Jesse Lichaa	
	Inventory		Broker: 2.5% or \$4,375.00 payable to Guarantee Real Estate.	
	PTC		See petition re terms of sale.	
	Not.Cred.		Petitioner states additional bond of \$165,000.00 will be needed.	
✓	Notice of Hrg		Supplement to Report of Sale filed 3/4/16 state the original sale agreement was for \$185,000.00; however, after inspection, the offer was rescinded. To retain the sale, the price was reduced to \$175,000.00, and commission was also reduced from 5% because buyer is a real estate agent and principal of buyer's firm and has agreed to waive commission. See Declaration of Jeff Starbuck, agent with listing brokerage Guarantee Real Estate for additional details regarding the condition of the property and negotiation of the purchase price.	
✓	Aff.Mail			
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
✓	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 3/10/16
Updates:
Recommendation:
File 12- Walters

Petitioner: Denise Georgette Chisum (pro per)

Petition for Appointment of Probate Conservator

		<u>TEMPORARY EXPIRES 3/16/16</u>	NEEDS/PROBLEMS/COMMENTS:
		DENISE GEORGETTE CHISUM , daughter, is petitioner	
		Please see petition for details.	
Cont. from 021016		Court Investigator Report filed on 2/3/16	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
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<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
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<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 3/10/16
			Updates:
			Recommendation:
			File 17- Chisum

Petition for Appointment of Probate Conservator of the Person

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
Cont. from 021016			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			Court Investigator advised rights on 2/1/16
			Voting rights affected – need minute order.
			<u>Minute Order 2/10/16:</u> Petitioner represents that CVRC has agreed to have the capacity declaration completed by an appropriate person.
			As of 3/10/16, nothing further has been filed. The following issue remains noted:
			1. The Capacity Declaration is not executed by a licensed physician or psychologist as required by Probate Code §1890(c). The Court may require a new capacity declaration.
			Reviewed by: skc
			Reviewed on: 3/10/16
			Updates:
			Recommendation:
			File 18- Hernandez

Petition to Determine Succession to Real Property

[illegible]

Petition for Probate of Will and for Letters Testamentary: Authorization to Administer Under the IAEA

DOD: 1/26/2016		GLEND A ELLIOTT and LEONARD SUAMUELSON , named executors are petitioners and request appointment with full IAEA without bond All heirs waive bond Full IAEA – o.k. Holographic will dated 7/4/2011 Residence: Kingsburg Publication: Kingsburg Recorder Estimated value of the estate: Personal property \$ 1,000.00 Annual gross income \$ 0.00 Real property \$ 177,000.00 Total \$ 178,000.00 Probate referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> • Tuesday, August 16, 2016 for filing Inventory and Appraisal • Tuesday, May 16, 2017 for filing the first account or petition for final distribution Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
Cont. from				
<input checked="" type="checkbox"/>	Holog. Instr.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: SEF
Reviewed on: 3/10/2016
Updates:
Recommendation: SUBMITTED
File 23- Samuelson

Petition to Determine Succession to Real Property

DOD: 9/13/2013		ELIZABETH FINA-JUMP (spouse) JONATHAN JUMP (son) ANTHONY JUMP (son) are petitioners 40 days since DOD No other proceedings I&A - \$75,000 (Real property in Selma, CA) Decedent died intestate Petitioners request Court determination that decedent's 100% in real property located at 8583 East Khan Street, Selma CA pass to them in equal 1/3 rd shares pursuant to intestate succession.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 3/10/2016	
			Updates:	
			Recommendation: SUBMITTED	
			File 24- Jump	

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 12/9/2015		DONNA HENDRICK , named executor without bond is petitioner	NEEDS/PROBLEMS/COMMENTS:	
		Full IAEA – o.k.	1. Item 5(a)(2)(b) of petition states spouse deceased. Need name and date of death of spouse pursuant to Local Rule 7.1.1D 2. Need Orders. 3. Need Letters	
		Will dated 9/21/2001		
Cont. from		Residence: Fresno		
<input type="checkbox"/>	Aff.Sub.Wit.	s/p		Publication: Business Journal
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	w/o		
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters	x		
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	x		
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Estimated value of the estate: Personal property \$ 41,000.00 Annual gross income \$ 400.00 Real property \$ 115,000.00 Total \$ 156,400.00	Note: If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Tuesday, August 16, 2016 for filing Inventory and Appraisal Tuesday, May 16, 2017 for filing the first account or petition for final distribution 	
		Probate referee: Rick Smith	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
			Reviewed by: SEF	
			Reviewed on: 3/10/2016	
			Updates:	
			Recommendation:	
			File 25- Clark	